

Exhibit F

From: Katy Peaslee <KPeaslee@susmangodfrey.com>
Sent: Monday, December 23, 2024 4:23 PM
To: Sarah Salomon; Emily Cronin; KVP-OAI; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com; Adnan Muttalib
Cc: newyorktimes_microsoft_ohs@orrick.com; NewYorkTimes-Microsoft-FDBR@faegredrinker.com; NYT-AI-SG-Service@simplelists.susmangodfrey.com; dailynews-ai-rfem@rothwellfigg.com
Subject: RE: NYT v. Microsoft et al.: date ranges for NYT search terms
Attachments: 2024-12-23 - Master OAI list with NYT's 12-23 Proposed Custodians.xlsx

[EXTERNAL]



Hi Sarah,

To your question below:

1. Correct
2. The Times will agree to search back to 1/1/2022 for these additional custodians. It does not, however, agree to search back to 2018 (except for with regard to Chris Wiggins, for whom The Times has previously agreed to collect data back to 2018). The Times previously agreed to extend certain custodians' collections in an effort to compromise; but OpenAI hasn't provided any justification to support the burden of collecting and hosting four additional years of email data for yet more custodians, extending back years before OpenAI's GPT product was publicly released. In the hope of reaching further compromise, The Times is willing to have an attorney work with each of these additional custodians to manually search their emails for any mention of "OpenAI" or "ChatGPT" from 2018 through 2021. Please let us know if you agree.
3. The Court has denied OpenAI's request for general discovery into The Times's use of GenerativeAI, and Jason Sobel and Chris Wiggins have technical focuses unlikely to have documents regarding The Times' policies about Defendants' GenerativeAI tools.

The attached excel contains The Times's proposed additional custodians for OAI's existing search terms. Note that The Times has not yet collected all data sources for new custodians, so we anticipate these numbers will substantially increase. We're aiming to have hit counts for proposed additional terms later this week.

Katy

From: Sarah Salomon <SSalomon@keker.com>
Sent: Thursday, December 19, 2024 1:08 PM
To: Katy Peaslee <KPeaslee@susmangodfrey.com>; Emily Cronin <ECronin@susmangodfrey.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com
Cc: newyorktimes_microsoft_ohs@orrick.com; NewYorkTimes-Microsoft-FDBR@faegredrinker.com; NYT-AI-SG-Service@simplelists.susmangodfrey.com; dailynews-ai-rfem@rothwellfigg.com
Subject: RE: NYT v. Microsoft et al.: date ranges for NYT search terms

EXTERNAL Email

Katy,

Thanks for your response. Some clarifying questions:

- Am I correct that the hit counts in Rows T and U are unique hits for newly-added custodians (i.e., the ones in red in column F)?
- You say below that, for the terms in Rows 2, 3, and 5, “The Times’s agreement to add the custodians requested by OpenAI . . . only applies to th[e] already-collected timeframe.” To confirm, that means you will agree to run these terms against the files of the newly-added custodians for November 2022 to May 2024, but not back to 2018, as you’ve otherwise agreed is the appropriate timeframe for these terms? What is your basis for this cut-off? The hit counts you’ve provided reflect that these custodians are likely to have responsive documents—the terms should be run against their files going back to 2018 as well.
- What is your basis for refusing to run term 32 against the files of Jason Sobel and Chris Wiggins?

Please provide responses to the above questions, as well as an ETA for hit reports for new custodians and for terms for OpenAI’s Third RFPs, by tomorrow.

Thanks,

Sarah Salomon

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From: Katy Peaslee <KPeaslee@susmangodfrey.com>

Sent: Wednesday, December 18, 2024 2:07 PM

To: Sarah Salomon <ssalomon@keker.com>; Emily Cronin <ECronin@susmangodfrey.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com

Cc: newyorktimes_microsoft_ohs@orrick.com; NewYorkTimes-Microsoft-FDBR@faegredrinker.com; NYT-AI-SG-Service@simplelists.susmangodfrey.com; dailynews-ai-rfem@rothwellfigg.com

Subject: RE: NYT v. Microsoft et al.: date ranges for NYT search terms

[EXTERNAL]

Hi Sarah,

We disagree with your characterization of The Times’s identification of custodians. Attached is The Times’s responses to OpenAI’s 12/11 proposed additional custodians (in column V). Please note that for the terms in Rows 2, 3, and 5, the hit counts reflect the time period already collected for these custodians, which in most instances is 11/1/22 – 5/1/24. The Times’s agreement to add the custodians requested by OpenAI for those terms only applies to that already-collected timeframe.

Our vendor is currently working on hit reports for new custodians and for terms for OpenAI’s Third RFPs. I’ll follow up with an ETA for those.

Best,
Katy

From: Sarah Salomon (via NYT-AI-SG-Service list) <NYT-AI-SG-Service@simplelists.susmangodfrey.com>
Sent: Wednesday, December 11, 2024 5:17 PM
To: Emily Cronin <ECronin@susmangodfrey.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com
Cc: newyorktimes_microsoft_ohs@orrick.com; NewYorkTimes-Microsoft-FDBR@faegredrinker.com; NYT-AI-SG-Service@simplelists.susmangodfrey.com; dailynews-ai-rfem@rothwellfigg.com
Subject: RE: NYT v. Microsoft et al.: date ranges for NYT search terms

EXTERNAL Email

Emily,

The Times has an obligation to identify custodians most likely to have responsive documents, and to run appropriate search terms against their files. Yet, the Times's responses to meet and confer correspondence and to OpenAI's recent motion for additional custodians makes clear that the Times is parsing its identification of custodians-per-term too narrowly. In response to Defendants' requests for additional custodians, the Times has identified a slew of existing custodians as knowledgeable regarding its allegations of misconduct and harm. Yet, the Times has not yet agreed to run the applicable search terms against the files of many of these individuals. Our attached proposal seeks to remedy this issue with respect to custodians identified prior to October 2024 (we've noted new proposed custodians in red). Please confirm whether you will agree to these additions by December 13. For "new" custodians (i.e., custodians added since October), we will hold off on proposing additions until we see your promised proposal as to which existing search terms you intend to run across their documents. We include Diane Brayton in that list of new custodians—although she was added pre-October, she is, to date, only listed as a custodian for the term in Row 40.

With respect to search terms and hit counts, the Times seems to be blaming Defendants for its own delay. It has now been over a month since you agreed to add the majority of the new custodians, and nearly two months with respect to Frumin, Gurian-Peck, and Sheridan. Yet, we still don't have hit counts for these custodians on your existing search terms, let alone your search terms for OpenAI's third set of RFPs, which you have been promising to provide since November 8. The fact that the Times agreed to add Yang, Weisenbach, Robins as custodians on November 21—now, nearly three weeks ago—should not hold the entire process up. We expect to receive updated hit counts, including for your proposals in response to OpenAI's third set of RFPs, no later than December 17. Your failure to provide this basic information is impeding our efforts to continue to meet and confer over the four additional custodians OpenAI seeks (as the Court has ordered), and to complete document review in preparation for depositions.

I'm not sure why you are confused with respect to the 2024 cut-off date. As I explained in my November 15 email, we are not seeking a blanket extension of the cut-off date for the Times's custodial searches past May 1, 2024, but there are specific areas in which it is our expectation that the Times's collection would go beyond that date (as reflected in the search term spreadsheet). This includes, in particular, documents related to licensing and any claimed harm to the market for the Times's asserted work. Happy to discuss further in a call later this week if that doesn't clarify the issue.

Finally, we are in agreement on the timeframe for the term in Row 36. We also agree to your timeframe proposal for the search term in Row 40. For avoidance of doubt, we remain at impasse with respect to the timeframe you are applying to the search terms in Rows 18 and 19, and reserve all rights with respect to those terms.

Thanks,
 Sarah

Sarah Salomon
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 633 Battery Street